

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ENVIRONMENTAL PROTECTION &
IMPROVEMENT COMPANY, LLC,

Plaintiff,

-against-

WECARE ORGANICS, LLC

Defendant

Civil Action No. _____

DECLARATION OF APRIL MARRS

1. I, April Marrs, declare as follows:
2. In my capacity as Corporate Accounting Manager for Environmental Protection & Improvement Company, LLC ("EPIC"), I have personal knowledge of the facts and circumstances surrounding the agreements between WeCare and EPIC and WeCare's payment history, including its communications with EPIC regarding payments.
3. The factual statements made in the Complaint and in this Affidavit are based on my personal knowledge and are true and accurate to the best of my knowledge, information and belief.
4. Exhibit A to the Complaint is a true and accurate copy of the underlying Biosolids Rail Transportation and Disposal Service Agreement between EPIC and WeCare Organics, LLC ("WeCare").
5. Exhibit B to the Complaint is a true and accurate copy of the Settlement Agreement entered into between WeCare and EPIC.

6. Exhibit C to the Complaint is a true and accurate copy of a notice letter sent from EPIC to WeCare.

7. Exhibit D to the Complaint is a true and accurate copy of an e-mail sent to me from Wes Gregory on behalf of WeCare dated October 7, 2015.

8. EPIC paid the first monthly installment payment of \$99,841.30 on or about August 25, 2015.

9. EPIC has not paid the second monthly installment payment of \$99,841.30 that was due on September 25, 2015.

10. On or about October 13, 2015, EPIC received a partial payment from WeCare in the amount of \$25,000.00.

11. WeCare has not paid EPIC \$474,296.94 in principal on the Settlement Agreement, which does not include interest, attorneys' fees and other costs that are owed to EPIC.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: October 21, 2015

April R. Marrs
April Marrs
Corporate Account Manager for EPIC